

January 8, 2016

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The Honorable Charles R. Breyer
United States District Judge
United States District Court for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: In re Volkswagen "Clean Diesel" Marketing, Sales Practices & Products Liability
Litigation, MDL No. 3:15-md-02672-CRB

Dear Judge Breyer:

I am writing to introduce myself and to apply pursuant to Pretrial Order No. 2 for a position on the Plaintiff's Steering Committee or an appropriate subcommittee of that steering committee.

Let me first say that there are a number of distinguished counsel applying for leadership positions in this case with far more experience than me in class action or multidistrict litigation. Nonetheless, I submit that including me or someone with a similar background in a leadership position in this case would be strongly in the interests of the plaintiff class.

From 2009 to January 2015, I served as a United States Attorney, appointed by President Obama in the first group of U.S. Attorney's appointed by him. In that capacity, as well as during my twelve years beforehand litigating on behalf of the United States government as an Assistant United States Attorney, I have developed a significant knowledge of federal criminal and civil investigatory and litigation practices. Given the significant overlay between the federal civil and potential criminal investigations and this litigation, having the perspective of someone with deep knowledge of the operations and practices of the U.S. Department of Justice, various federal agencies and related entities, would be invaluable to the class. So too would be strong working relationships with persons in decision-making and leadership positions in the Department of Justice, which I have.

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While my involvement with class actions pales in comparison with many of the eminent counsel involved in this case, I have substantial and recent experience dealing with the Department of Justice in a leadership capacity on issues of Department policy with significant public importance and national scope. In addition to my duties leading all civil and criminal investigations in the United States Attorney's Office for the District of Vermont, I served as the co-chair of the Criminal Practice Subcommittee of the Attorney General's Advisory Committee under Attorney General Holder. This key subcommittee advised the Attorney General in developing a number of pivotal national reforms to the criminal justice system, including those dealing with Department charging and plea policies, mandatory minimum reform, discovery reform and tape recording of custodial interviews by federal law enforcement agencies. In this capacity, I have worked collaboratively with leaders in the highest echelons of the Justice Department, as well as a number of government investigative agencies and other groups negotiating and developing this policies.

I would also say that involvement of a representative of a potential class of Vermonters could be beneficial to this litigation. Vermont has the third highest number of affected VW "clean diesel" consumers in the country. We have had over 660 Vermonters express interest in being potential class members in our suit, Turnau et al. v. Volkswagen AG et al. Somewhat different than what I understand to be the norm in these types of cases, we have been significantly involved with both our named plaintiffs and our broader potential class members. Our named plaintiffs include a former president of Ben & Jerry's, a financial officer of a non-profit reuse and recycling company, a staffer from a former environmentalist Vermont governor and presidential candidate, the president of a green publishing company, and the first purchasers of an affected diesel VW TDI in Vermont. We have been committed to this case from the very beginning, filing one of the very first cases in the country (and the first in Vermont) on September 23, 2015 in Vermont Superior Court, before re-filing the case a short time later in federal court. We have held meetings at both ends of Vermont to meet with affected consumers and discuss issues in the case. The interest and outpouring of participation has been tremendous.

I should say that while I have less multidistrict litigation and class action experience than other counsel in this case, I am a veteran civil and criminal litigator, and have handled a variety of complex litigation matters, both as a government and private attorney. I should mention that I have considerable experience in international criminal investigation and prosecution, which may also be helpful in this litigation.

The following judges are experienced with my skills as a litigator, my character as a lawyer and person and my commitment to the public interest:

Chief United States District Judge Christina Reiss
United States District Court, District of Vermont
P.O. Box 446
Burlington, Vermont 05402-0446
(802) 951-6622

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United States District Judge William K. Sessions III
United States District Court, District of Vermont
P.O. Box 928
Burlington, Vermont 05402-0928
(802) 951-6350

United States Circuit Judge Peter W. Hall
United States Court of Appeals for the Second Circuit
P.O. Box 885
Rutland, Vermont 05702-0885

My career has shown that one of my particular skills is working effectively with co-counsel and opposing counsel, and others, and working collaboratively in negotiated processes.

I, and my firm, Downs Rachlin Martin, are ready to dedicate substantial time and resources to this case, and I can begin committing substantial time to the matter immediately.

In conclusion, and as have I said, there are many lawyers with far more substantial class action experience than me. However, given my knowledge of federal investigative and prosecution practices, and my substantial and recent experience at working with the current leadership of the Justice Department and federal agencies in a collaborative manner, I would be a fitting member of the Plaintiff's Steering Committee or an appropriate subcommittee thereof, perhaps dealing with liaison with federal authorities. Representing a class of highly energized consumers from the Great State of Vermont, along with my demonstrated commitment to public service, would ensure that I speak for the rank and file class members affected by the schemes alleged in this action, and dedicate myself to protecting their interests through this process.

Thank you for your consideration.

Sincerely,



Tristram J. Coffin

TJC/ibw
Enclosure

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